

OPINION NO. 66-105**Syllabus:**

Pursuant to Chapter 3318, Revised Code, there is no authority whereby a school district board may contribute additional local funds to the project construction account to be used for the purpose of constructing classrooms in addition to those provided for in the conditional approval, after such has been approved by the state board of education and the controlling board and certified to the school district board.

**To: E. E. Holt, Superintendent of Public Instruction, Department of Education,
Columbus, Ohio**

By: William B. Saxbe, Attorney General, June 13, 1966

I acknowledge receipt of your request for my opinion.
Your letter is as follows:

"This department has undertaken the construction of a number of school classroom construction projects about the State of Ohio pursuant to Chapter 3318, Revised Code. After the conditional approval by the State Board of Education, and the Controlling Board, pursuant to Section 3318.04, and usually after the agreement between the State Board and the School District Board, pursuant to Section 3318.08, Revised Code, school district boards sometimes request that they be allowed to contribute additional funds to the project to be used for the purpose of constructing additional classrooms over and above those described in the conditional approval. In each case, the funds the school district board wishes to use for this purpose have become available only after the determination made by the State Board of Education, pursuant to Section 3318.03, Revised Code. Such additional funds may be derived from the surplus of the General Fund, interest money received on investments of inactive board funds or other sources.

"May I have your opinion on the question of whether after the agreement, provided for by Section 3318.08, Revised Code, has been entered into may a school district board contribute additional local funds to the project construction account to be used for the purpose of

constructing classrooms in addition to those provided for in the conditional approval."

Chapter 3318, Revised Code, appears to be the only law on the subject of your inquiry. The statute, (Section 3318.02, Revised Code) provides that the school district board submit a resolution and an application to the state board of education for the purchase of additional classroom facilities, and that (Section 3318.03, Revised Code) the state board of education shall review each application and make a determination of the needs of the school district for additional classroom facilities, and the amount of the cost thereof that the school district can supply from available funds. If a project were to cost \$100,000, and it has been determined that the school district board can supply \$60,000 from available funds, the law provides that if approved the remaining amount of the estimated cost thereof shall be supplied by the state. After a determination as to needs and the amount available from the school district board, the project is to be submitted to the controlling board for its approval or rejection, and in the event of approval, the state board shall certify same to the school district board.

The local school district's application, the determination of needs and finances by the state board of education, the approval of the state controlling board and the certification of such to the school district board would seem to be the basis of a written agreement, a contract or a covenant between the two school boards, and generally no change would be permissible in such a document.

As said before, Chapter 3318, *supra*, is the sole law in relation to such classroom facilities and no authority to make changes in the application, after the conditional approval by the board of education and the controlling board, is found in such chapter.

To answer the question directly, you are advised that there is no authority at law whereby a school district board may contribute additional local funds to the project construction account to be used for the purpose of constructing classrooms in addition to those provided for in the conditional approval, after such has been approved by the state board of education and the controlling board and certified to the school district board.